



## **PERIODIC REVIEW**

**Rudd Co., Inc., aka Rudd Paint,  
PPG Architectural Finishes,  
and Olympic Stain  
Facility Site ID#: 2715**

**1411 NW 50<sup>th</sup> Street,  
Seattle, Washington**

**Northwest Region Office**

**TOXICS CLEANUP PROGRAM**

**April 2010**

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## 1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the Rudd Co., Inc. (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Independent Remedial Action Program (IRAP). The cleanup actions resulted in concentrations of petroleum hydrocarbons, benzene/ethylbenzene/toluene/xylenes (BETX), polyaromatic hydrocarbons (PAHs), and metals remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a Site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion;
- (d) and one of the following conditions exists:
  - 1. Institutional controls or financial assurance are required as part of the cleanup
  - 2. Where the cleanup level is based on a practical quantitation limit
  - 3. Where, in the department's judgment, modifications to the default equations or assumptions using Site-specific information would significantly increase the concentration of hazardous substances remaining at the Site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site;
- (b) New scientific information for individual hazardous substances of mixtures present at the Site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected Site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The Department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

## **2.0 SUMMARY OF SITE CONDITIONS**

### **2.1 Site Description and History**

The Rudd Co., Inc., aka PPG Architectural Finishes Inc. (PPGAF), Olympic Stain property is located at 1141 NW 50th Street, Seattle, Washington. PPG Industries, Inc. (PPG) owned the property during the cleanup. The property covers approximately 5 acres. PPG Industries, Inc. transferred the property to the Rudd Company.

Stain and paint manufacturing have been conducted on the Site since 1951. PPG Industries, Inc. acquired the property in 1989. There had been several Site investigations and underground storage tank (UST) closures since 1988. In addition, a number of groundwater monitoring wells had been installed during Phase I and Phase II investigations in 1990 and 1993. PPG Industries, Inc. conducted a voluntary groundwater monitoring program for one year which was completed at the beginning of 1994. The results indicated that groundwater has not been impacted by the activities on Site. All the USTs on the Site have been removed, closed in place or changed to unregulated status. In addition to the removal of several USTs, total petroleum hydrocarbon (TPH) contaminated soils have also been removed and disposed off-Site or treated off-Site and placed back onto the property. Then PPG had independently performed a more recent remedial action in anticipation of the property transfer to Rudd Co.

The majority of the Site is paved or covered by buildings. The rail spur area was the only unpaved area of the Site, now paved and the location of numerous above ground storage tanks.

Boring logs within the rail spur indicate 5 feet of fill consisting of black/brown silty sand from 0 to 1.5 feet below ground surface (bgs) and grey silty sand from 1.5 to 5 feet bgs. Brown silty clay, reported as Marsh/Alluvial, is present to an unknown depth below. Only two of six boring logs indicated a black organic and debris layer at 4.5 feet bgs in the southern and northern end of the rail spur.

An extensive groundwater monitoring well (MW-x) network had been installed at the Site during Site investigations. These wells show a general groundwater gradient to the south or southeast towards Salmon Bay. MW-4 was abandoned during the excavation along the rail spur. All wells appear to be now closed.

### **2.2 Site Investigations and Sample Results**

There have been several Site investigations related to UST leaks, underground product transfer leaks and UST closures since 1988. Phase I and Phase II assessments conducted in 1990 and 1993 investigated volatile, semivolatile, TPH and metal contamination in the soil and groundwater. Soil remediation was also conducted in conjunction with the removal of several USTs. Soils surrounding USTs were remediated because soils contained high concentrations of TPH as mineral spirits. Excavated soils were either treated off-Site and placed back onto the Site or disposed off-Site. A total of seven investigations related to TPH as mineral spirit

contamination have been conducted at the Site. Two of these investigations resulted in the removal of TPH contaminated soils. A summary of these investigations can be found in the "Summary of Environmental Investigations Completed at the PPG Architectural Finishes Inc. Property, Ballard, WA" (RETEC, May 1994).

The source of TPH contamination found in soil along the railroad spur is unknown. It is suspected to have resulted from spills when unloading mineral spirits from rail cars to transfer lines which exist beneath the loading dock adjacent to Buildings B and E. Contamination within the rail spur was more concentrated beneath open piping connections under the loading dock.

Groundwater monitoring disclosed arsenic at levels of concern but it was determined to be from another, unknown Site.

## 2.3 Cleanup Actions

Based on historical investigations at the Site, it was determined that TPH as mineral spirits impacted soil along the rail spur. The TPH concentration within the rail spur exceeded twice the cleanup standard and warranted remediation. The Rudd Company had planned to construct an above ground storage tank farm along the rail spur area; therefore, a complete TPH contaminated soil removal was desired, as soil excavation and disposal was the most efficient option of remediation. After conducting a soil investigation along the rail spur, the TPH contamination was found to be heterogeneous along the entire length to a depth of 5 feet bgs. All soil along the entire length and width of the rail spur was excavated to a depth of 5 feet bgs. The remediation was performed in one of two unpaved areas that was to be developed by the Rudd Company. Approximately 876 tons of soil were excavated and disposed at Rabanco Regional Disposal Company.

Following the TPH soil excavation, nine soil samples were collected from the bottom floor and nine soil samples were collected from the side walls of the excavated area. Because groundwater was encountered along the bottom of the excavation area, bottom floor soil samples were collected from the bucket of the excavator using a stainless steel trowel. Soil samples were placed into a fresh plastic bag, mixed and transferred into a sample jar. Side wall soil samples were collected using a stainless steel hand auger and stainless steel trowel. Bottom soil samples were collected every 25 to 40 feet along the surface in suspected high TPH concentrated areas. All soil samples from the bottom of the excavation were brown, silty clay. The mineral spirit concentrations in the nine bottom soil samples ranged from non-detect to 60 mg/kg. To maintain the stability in the buildings, 8 to 12 inches of soil along the side walls of Building A and B were left in place. Side wall soil samples were not screened in the field, but were submitted to Friedman and Bruya for WTPH (method 8015 modified) analysis as mineral spirits. Eight of the nine side wall soil samples were collected approximately 1 foot to 2.5 feet into the side wall. The side wall samples were collected just above the water table at 4.5 feet bgs, near the layer of black sand and gravel that created a sheen when mixed with water. Four side wall soil samples were collected along each long side of the excavation beside Buildings A and B. Side wall soil samples were spaced between 50 to 70 feet apart. All side wall soil samples were grey silty sand with traces of clay. The mineral spirit concentrations in these samples ranged from non-detect to

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60 mg/kg. The last side wall soil sample, SW-Comp was collected at the exposed face of the wall and only represents the surface 0.25 inches. The mineral spirit concentration of this sample was 680 mg/kg. This sample may have contained residual soils that were removed from the area.

Also, TPH contaminated soils had been removed at various times during UST removals. Soils surrounding USTs were remediated because soils contained high concentrations of TPH as mineral spirits. Excavated soils were either treated off-Site and placed back onto the Site or disposed off-Site. A total of seven investigations related to TPH as mineral spirit contamination have been conducted at the Site. Two of these investigations resulted in the removal of TPH contaminated soils. A summary of these investigations can be found in the "Summary of Environmental Investigations Completed at the PPG Architectural Finishes Inc. Property, Ballard, WA" (RETEC, May 1994).

Based on confirmation sampling results all TPH contaminated soils that were technically practicable to remove were excavated and disposed off-Site. Clean construction fill was backfilled into the excavated area and compacted in 8-inch lifts. Soil remaining on the Site with contaminant levels above Method A industrial standards are capped under buildings or pavement.

The earlier hydrogeologic investigations had not detected any groundwater contamination above Method A industrial cleanup levels. PPG Industries, Inc. conducted a voluntary groundwater monitoring program for one year which began in June 1993. Groundwater in all the wells was analyzed for benzene, ethylbenzene, toluene, xylenes (BTEX) and mineral spirits. Groundwater from two wells, MW-4 and MW-9 was also analyzed for WTPH-G (Method 8015 modified).

A 'No Further Action' (NFA) letter was issued by Ecology in September 1996 after a restrictive covenant was recorded with the county. It also required groundwater monitoring to be conducted semi-annually for 2.5 years. The monitoring was completed in October 1998 showing satisfactory results except for arsenic from an unknown off-Site source, and Ecology issued a letter in November 1999 agreeing that the monitoring wells could be abandoned.

## **2.4 Cleanup Levels**

Data collected during all investigations were evaluated to determine compliance with cleanup standards ("Summary of Environmental Investigations Completed at the PPG Architectural Finishes, Inc., Property, Ballard, WA", Sections 6 and 7, RETEC, May 1994). Soil and groundwater samples were analyzed for a broad set of volatile and base neutral/acid extractable compounds as well as metals and TPH. All constituents detected in soil or groundwater were compared to Method A industrial standards, or Method B standards where no Method A Standards existed, to identify constituents of interest. All of the constituents for which there are no Method A standards, were less than Method B. Only four constituents from the soil analytical data set exceeded the Method A industrial standards. These constituents are benzene, mercury, carcinogenic PAH and TPH.

The “Summary of Environmental Investigations Completed at the PPG Architectural Finishes, Inc., Property, Ballard, WA” (RETEC, May 1994), discussed specific soil samples with concentrations greater than the Method A industrial standards for benzene and carcinogenic PAH. The upper 95% confidence interval based on historical soil data was substantially less than the Method A industrial standards and these values did not warrant a cleanup action according to the environmental consultant. In the cases of TPH and mercury, the upper 95% confidence interval for each (201 mg/kg TPH and 1.1 mg/kg mercury) was slightly above the Method A industrial cleanup level. In the case of TPH, 4 out of 45 soil samples were greater than the Method A industrial standard of 200 mg/kg. Two of the four samples exceeded two times the Method A standard. Only one of these sample locations however, was accessible and for which it was technically practicable to complete a removal.

For mercury, only three samples exceeded the Method A industrial cleanup level and concentrations ranged from 1.2 to 1.8 mg/kg. No sample exceeded two times the Method A cleanup level. Two samples were located near monitoring wells which reported mercury groundwater concentrations below the cleanup level of 0.0002 mg/l. The third sample with the highest mercury concentration is located within the rail spur area and is also within the excavated area.

Groundwater data collected over one year did not result in any constituent concentrations above the Method A industrial cleanup standards except for arsenic from an unknown off-Site source. TPH contamination in the soil was the only constituent that exceeded twice the cleanup standard in two areas. Only one of these areas, the rail spur area was unpaved and accessible for remedial action.

## **2.5 Restrictive Covenant**

Based on industrial the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a ‘No Further Action’ determination if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 1996 which imposed the following limitations:

1. No redevelopment of the property other than for street or industrial use shall hereafter be undertaken unless thirty days prior notice has been given to Ecology. For purposes of this restriction, “industrial use” means and includes any industrial use described or defined in or allowed under MTCA, MTCA Regulations or the City of Seattle’s zoning laws. The property shall not be used for a daycare center without prior approval from Ecology.
2. The current fencing at the Site that restricts access by the public to any areas where members of the public could have contact with the previously described substances shall not be removed without Ecology’s approval.
3. PPG will be sampling some of the existing groundwater monitoring wells at the Site pursuant to a program approved by Ecology. Any activity on the Site that may interfere with such monitoring is prohibited. PPG expressly reserves the right of access to the Site for purposes of performing such monitoring or for any other environmental investigations or remediations that it may desire to undertake.

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4. No groundwater may be taken for domestic purposes at the Site. No wells for the extraction of groundwater for domestic purposes shall be installed at the Site without Ecology approval.
  5. The owner of the Site must give written notice to Ecology of the owner's intent to convey any fee interest in the Site. No conveyance of title, easement, lease or other interest in the Site shall be consummated by the owner without adequate and complete provision for the continued operation, maintenance, and monitoring of groundwater wells by PPG.
  6. The owner must notify and obtain approval from Ecology prior to any use of the Site that is inconsistent with the terms of this Restrictive Covenant. If required by applicable law, Ecology and/or the current owner may have to seek public notice and comment prior to approval of the proposed change.
  7. The owner shall allow authorized representatives from Ecology the right to enter the Site at reasonable times for the purpose of evaluating compliance with the monitoring of groundwater wells or any other remedial action undertaken by PPG.

Owner reserves the right, with Ecology's prior approval, to record an instrument terminating this Restrictive Covenant and rendering it null and void and of no further force or effect.

The Restrictive Covenant is available as Appendix 6.4.



## **3.0 PERIODIC REVIEW**

### **3.1 Effectiveness of completed cleanup actions**

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy.

Based upon the Site visit conducted on April 28, 2010, the remedy at the Site continues to eliminate exposure to contaminated soils by ingestion and contact. The remedy appears in satisfactory condition and no repair, maintenance, or contingency actions have been required at this time; however, it should be noted that the asphalt cover is beginning to show signs of deterioration at many locations around the Site. Where this asphalt is the cover over the remaining soil contamination, the asphalt should be repaired or replaced. The Site is still operating as a paint and finish manufacturing facility. A photo log is available as Appendix 6.5.

Soils with TPH, PAHs, BTEX, and metals concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy (Site structures and pavement) prevent human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the contamination remaining is contained and controlled.

There is, however, arsenic in the groundwater exceeding cleanup limits from an unknown, off-Site source.

### **3.2 New scientific information for individual hazardous substances for mixtures present at the Site**

There is no new scientific information for the contaminants related to the Site.

### **3.3 New applicable state and federal laws for hazardous substances present at the Site**

The cleanup at the Site was governed by [insert appropriate edition, like: Chapter 173-340 WAC (1996 ed.)]. WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the Site above the new MTCA Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

<b>Analyte</b>	<b>1991 MTCA Method A Soil Cleanup Level (ppm)</b>	<b>2001 MTCA Method A Soil Cleanup Level (ppm)</b>	<b>1991 MTCA Method A Groundwater Cleanup level (ppb)</b>	<b>2001 MTCA Method A Groundwater Cleanup Level (ppb)</b>
Cadmium	2	2	5	5
Lead	250	250	5	15
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30	NL	1000/800
TPH- Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500

NL = None listed

### **3.4 Current and projected Site use**

The Site is currently used for industrial purposes. There have been no changes in current or projected future Site or resource uses.

### **3.5 Availability and practicability of higher preference technologies**

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

### **3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels**

The analytical methods used at the time of the remedial action were capable of detection below selected Site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

## 4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soils cleanup levels have not been met at the standard point of compliance for the Site; however, the cleanup action has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.
- Arsenic remains in the groundwater at levels exceeding cleanup limits. The NFA letter issued by Ecology was for the releases of hazardous substances at the Site, and would still be valid since the arsenic is from an unknown, off-Site source; however, the NFA letter should have mentioned the arsenic's presence and may be replaced.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met. No additional cleanup actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the remedy is maintained, and the asphalt cover is approaching a time of needed maintenance, at least in critical locations where it covers contaminated areas.

### 4.1 Next Review

The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

## 5.0 REFERENCES

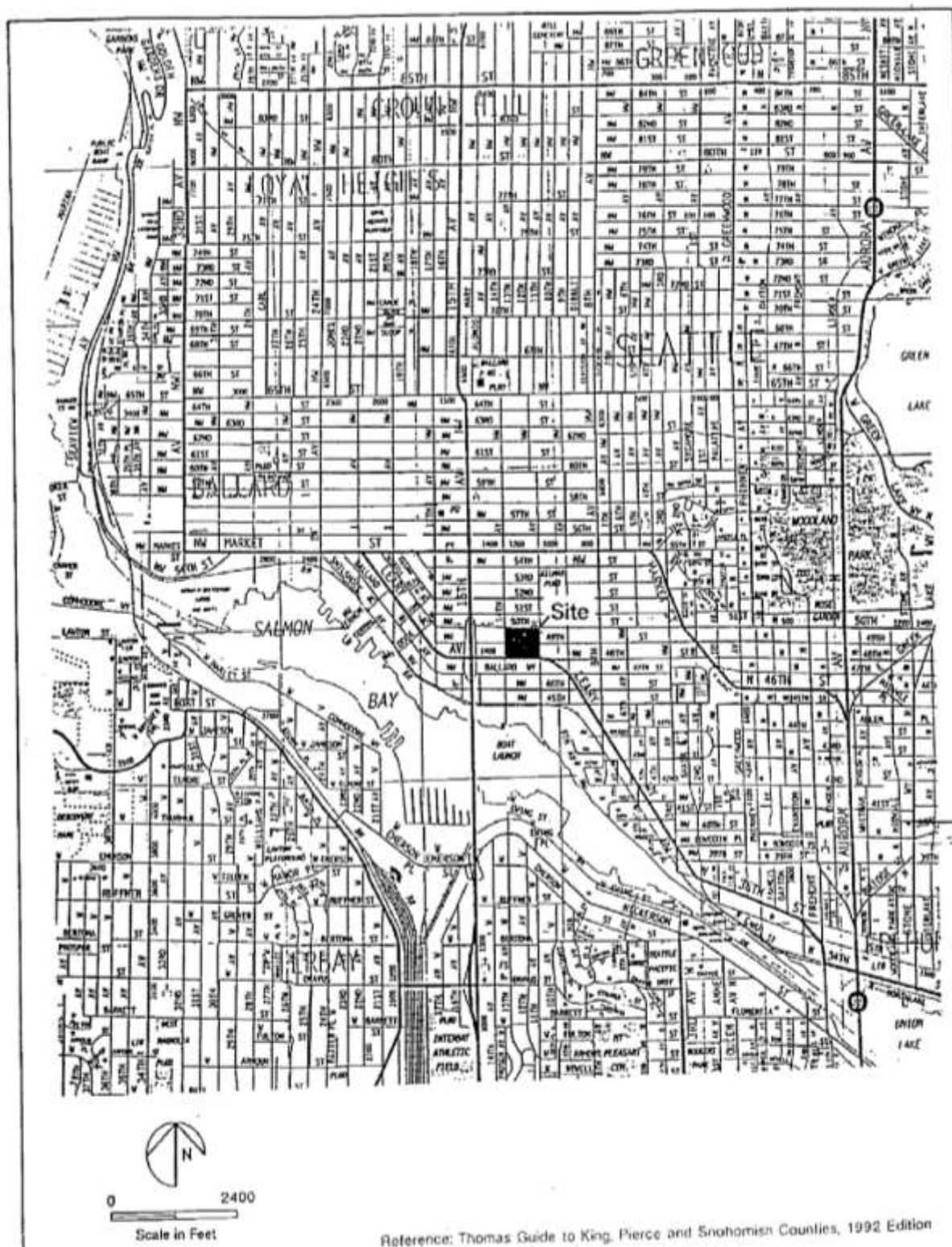
1. Evaluation and Remediation of an Underground Leak of Mineral Spirits, prepared by GeoEngineers, dated November 7, 1988.
2. Environmental Assessment of Olympic Home Products Facility, prepared by IT Corporation, dated January 1990.
3. Letter Report, prepared by PPG Industries, dated April 30, 1992.
4. Shallow Soil Gas and Groundwater Investigation, prepared by Tracer Research, dated October 15, 1992.
5. Final Report: UST Mineral Spirits Investigation, prepared by Dames and Moore, dated December 9, 1992.
6. Phase I and II Environmental Assessments, prepared by Applied Geotechnology, dated June 21, 1993.
7. Letter Report, prepared by PPG Industries, dated July 26, 1993.
8. UST - Permanent Change-in-Service for Underground Storage Tanks, prepared by the ERM Group, dated July 1993.
9. Monitor Well Sampling, prepared by ERM EnviroClean, dated December 1993.
10. Letter Report: PPGAF - Seattle, Quarterly Monitor Well Sampling, prepared by ERM EnviroClean, dated December 28, 1993.
11. Summary of Environmental Investigations Completed, prepared by Remediation Technologies (ReTec), dated May 1994.
12. Independent Remedial Action Plan, prepared by ReTec, dated July 1994.
13. Independent Remedial Action Report, prepared by ReTec, dated January 1995.
14. Letter Report: Questions and Information about PPG Property in Seattle, Washington, prepared by ReTec, dated April 28, 1995.
15. Letter Report: Groundwater Sampling Results, prepared by ReTec, dated June 2, 1995.
16. Letter Report: Long Term Groundwater Monitoring Program and Restrictive Covenant, prepared by ReTec, dated October 2, 1995.
17. Letter Report: Minutes for the Department of Ecology Meeting Regarding Long Term Groundwater Monitoring Program and Restrictive Covenant, prepared by ReTec, dated November 16, 1995.
18. Letter Report: Long-Term Groundwater Sampling at the Former PPGAF Site in Seattle, WA, prepared by ReTec, dated March 18, 1996.
19. Letter Report: Evaluation of Arsenic in the Groundwater and Soil at the Former PPGAF Site in Seattle, WA, prepared by ReTec, dated April 8, 1996.
20. Letter Report: Groundwater Resampling for Arsenic at the Former PPGAF Site in Seattle, WA, prepared by ReTec, dated May 28, 1996.
21. Long-Term Groundwater Sampling at the Former PPGAF Remediation Technologies, Inc., September 30, 1996;
22. Long-Term Groundwater Sampling at the Former PPGAF Remediation Technologies, Inc., June 23, 1997;
23. Long-Term Groundwater Sampling at the Former PPGAF Remediation Technologies, Inc., January 5, 1998;

24. Long-Term Groundwater Sampling at the Former PPGAF Remediation Technologies, Inc., June 2, 1998;
25. Long-Term Groundwater Sampling at the Former PPGAF Remediation Technologies, Inc., January 27, 1999.
26. Groundwater Sampling Results for the Former PPGAF Site in Seattle, Washington, ThermoReTec Corporation, October 27, 1999.
27. 1996, Restrictive Covenant.
28. Ecology, 2010, Site Visit.

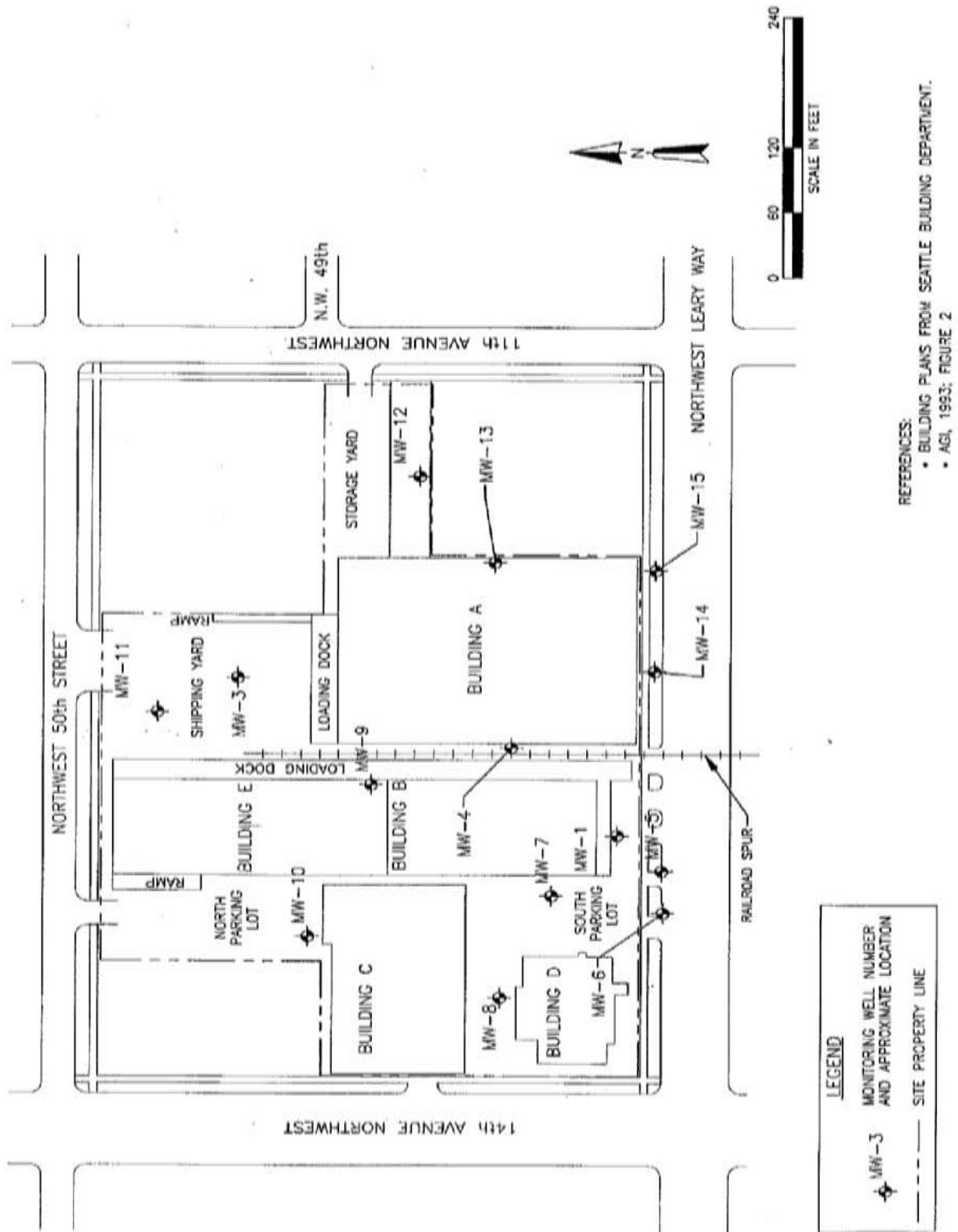
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## **6.0 APPENDICES**

## 6.1 Vicinity Map



## 6.2 Site Plan





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### **6.3 TPH-Dx Concentration Map**

not available

## 6.4 Environmental Covenant

COPY

After recording, mail to:

Perkins Coie  
1201 Third Avenue, 40th Floor  
Seattle, WA 98101-3099  
Attn: Douglas S. Little, Esq.

RECEIVED

DEC 16 1996

DEPT OF ECOLOGY

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### RESTRICTIVE COVENANT

The undersigned, PPG Architectural Finishes, Inc. ("PPG"), is the fee owner of the real property described on Exhibit A in King County, Washington, hereafter referred to as the "Site." There are subsurface areas at the Site where there have been detections of petroleum hydrocarbons including mineral spirits, benzene and xylenes and of polycyclic aromatic hydrocarbons at levels which exceed the Method A or B Cleanup Level Guidelines as published in the Model Toxics Control Act ("MTCA") Regulations. More detailed information on the location and concentration of the detected substances and on the location of groundwater monitoring wells on the Site is available in reports that have been filed by PPG with the Washington Department of Ecology or a successor agency ("Ecology"). These reports include the "Summary of Environmental Investigations, April 1994" and "Independent Remedial Action Report, January 1995" by Remediation Technologies Incorporated ("RETEC").

PPG makes the following declarations as to limitations, restrictions and uses to which the Site may be put. It specifies that such declarations shall constitute covenants to run with the land, as provided by law, and shall be binding on all parties and all persons claiming under it, including all current and future owners of any portion of or interest in the Site.


1. No redevelopment of the property other than for street or industrial use shall hereafter be undertaken unless thirty days prior notice has been given to Ecology. For purposes of this restriction, "industrial use" means and includes any industrial use described or defined in or allowed under MTCA, MTCA Regulations or the City of Seattle's zoning laws. The property shall not be used for a daycare center without prior approval from Ecology.
2. The current fencing at the Site that restricts access by the public to any areas where members of the public could have contact with the previously described substances shall not be removed without Ecology's approval.

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3. PPG will be sampling some of the existing groundwater monitoring wells at the Site pursuant to a program approved by Ecology. Any activity on the site that may interfere with such monitoring is prohibited. PPG expressly reserves the right of access to the Site for purposes of performing such monitoring or for any other environmental investigations or remediations that it may desire to undertake.
4. No groundwater may be taken for domestic purposes at the Site. No wells for the extraction of groundwater for domestic purposes shall be installed at the Site without Ecology approval.
5. The owner of the Site must give written notice to Ecology of the owner's intent to convey any fee interest in the Site. No conveyance of title, easement, lease or other interest in the Site shall be consummated by the owner without adequate and complete provision for the continued operation, maintenance and monitoring of groundwater wells by PPG.
6. The owner must notify and obtain approval from Ecology prior to any use of the Site that is inconsistent with the terms of this Restrictive Covenant. If required by applicable law, Ecology and/or the current owner may have to seek public notice and comment prior to approval of the proposed change.
7. The owner shall allow authorized representatives from Ecology the right to enter the Site at reasonable times for the purpose of evaluating compliance with the monitoring of groundwater wells or any other remedial action undertaken by PPG.

Owner reserves the right, with Ecology's prior approval, to record an instrument terminating this Restrictive Covenant and rendering it null and void and of no further force or effect.

PPG ARCHITECTURAL FINISHES, INC.,  
a Delaware corporation

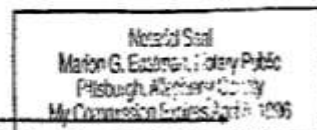
By   
Name: Maurice V. Peconi  
Title: President

STATE OF Pennsylvania)  
) ss.  
COUNTY OF Allegheny)

On this 31<sup>st</sup> day of January, 1996, before me, the undersigned,  
a Notary Public in and for the State of Pennsylvania, duly commissioned and  
sworn, personally appeared Maurice V. Peconi,  
to me known to be the person who signed as President of  
PPG ARCHITECTURAL FINISHES, INC., the corporation that executed the within  
and foregoing instrument, and acknowledged said instrument to be the free and  
voluntary act and deed of said corporation for the uses and purposes therein  
mentioned, and on oath stated that he was duly elected, qualified and acting as  
said officer of the corporation, that he was authorized to execute said  
instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the  
day and year first above written.

Marion G. Eastman  
(Signature of Notary)



(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State  
of Pennsylvania, residing at Pittsburgh, PA.  
My Appointment Expires: April 8, 1996.

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Exhibit I

CHICAGO TITLE INSURANCE COMPANY

ALTA COMMITMENT  
SCHEDULE A  
(Continued)

Order No: 259052  
Your No: NBU 266921415

LEGAL DESCRIPTION EXHIBIT  
(Paragraph 4 of Schedule A continuation)

PARCEL A:

PARCEL A OF CITY OF SEATTLE SHORT PLAT NUMBER 78-95, AS RECORDED UNDER RECORDING NUMBER 7807120851, BEING A PORTION OF BLOCKS 162 AND 165, VACATED ALLEY, VACATED WEST 49TH STREET AND VACATED PORTION OF WEST 50TH STREET, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 162;  
THENCE EAST ALONG THE SOUTH LINE OF SAID BLOCK 102 FEET, MORE OR LESS, TO THE WEST LINE OF VACATED ALLEY;  
THENCE NORTH ALONG SAID WEST LINE AND SAID LINE PRODUCED TO THE SOUTH MARGIN OF WEST 50TH STREET, AS ESTABLISHED BY ORDINANCE NUMBER 70298;  
THENCE EAST ALONG SAID SOUTH LINE 90 FEET TO INTERSECT A LINE 28 FEET EAST OF THE WEST LINE, LOT 5, BLOCK 162 PRODUCED NORTH;  
THENCE SOUTH 188.04 FEET TO A POINT 15 FEET SOUTH OF THE NORTH LINE OF VACATED WEST 49TH STREET;  
THENCE SOUTHEASTERLY 28.84 FEET TO A POINT 6 FEET SOUTH FROM THE CENTERLINE OF SAID STREET AND 208 FEET EAST FROM EAST LINE OF 14TH AVENUE NORTHWEST;  
THENCE EAST 71.68 FEET;  
THENCE NORTH 26 FEET;  
THENCE EAST 1.30 FEET;  
THENCE SOUTH TO THE NORTH MARGIN OF LEARY WAY AT A POINT 17 FEET EAST OF THE WEST LINE OF LOT 19, BLOCK 165;  
THENCE WEST ALONG SAID NORTH MARGIN TO THE WEST LINE OF SAID BLOCK 165;  
THENCE NORTH TO THE POINT OF BEGINNING;

TOGETHER WITH AN UNDIVIDED ONE-HALF INTEREST IN A STRIP OF LAND UNIFORMLY 13 FEET IN WIDTH ADJOINING THE LAND ABOVE DESCRIBED ON THE EAST, LYING IN LOTS 6 AND 19, BLOCK 165, GILMAN PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 3 OF PLATS, PAGE 40, AND IN PORTION OF VACATED WEST 49TH STREET ADJOINING SAID LOT 6, THE CENTERLINE OF WHICH STRIP IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF LEARY WAY, WHICH POINT IS ON A LINE PARALLEL WITH AND 23.50 FEET EAST OF THE WEST LINE OF LOT 19, BLOCK 165, SAID GILMAN PARK, AND RUNNING  
THENCE NORTHERLY ALONG SAID PARALLEL LINE AND THE SAME PRODUCED 241.06 FEET TO A POINT WHICH IS 13 FEET SOUTH OF THE NORTH LINE OF VACATED WEST 49TH STREET;

ALL IN GILMAN PARK ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 3 OF PLATS, PAGE 40, IN KING COUNTY, WASHINGTON.

PARCEL B:

PARCEL B, CITY OF SEATTLE SHORT PLAT NUMBER 78-95, RECORDED UNDER RECORDING NUMBER 7807120851, BEING A PORTION OF BLOCKS 162 AND 165, VACANT ALLEYS, VACATED WEST 49TH STREET AND VACATED PORTION OF WEST 50TH STREET, ALL IN GILMAN PARK ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 3 OF PLATS. PAGE 40.

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CHICAGO TITLE INSURANCE COMPANY

ALTA COMMITMENT  
SCHEDULE A  
(Continued)

Order No.: 259052  
Your No.: NBU 266921415

LEGAL DESCRIPTION EXHIBIT  
(Paragraph 4 of Schedule A continuation)

IN KING COUNTY, WASHINGTON.

PARCEL C:

LOT 6, EXCEPT THE WEST 30 FEET THEREOF; ALL OF LOTS 7, 8 AND 9; NORTH 20 FEET OF LOTS 10, 11 AND 12; ALL OF LOTS 16, 17, 18 AND 19, EXCEPT THE WEST 30 FEET THEREOF; ALL IN BLOCK 165, GILMAN PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 3 OF PLATS, PAGE 40, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THE SOUTH 33 FEET OF VACATED WEST 49TH STREET, FORMERLY "E" STREET, ADJOINING LOT 6, EXCEPT THE WEST 30 FEET THEREOF, AND LOTS 7 TO 12, INCLUSIVE, IN SAID BLOCK 165, AND

THAT PORTION OF THE SOUTH 20 FEET OF THE NORTH HALF OF SAID VACATED WEST 49TH STREET, BOUNDED ON THE EAST BY A LINE PARALLEL WITH AND 29.82 FEET WEST OF THE NORTHERLY PRODUCTION OF THE EAST LINE OF SAID LOT 7 AND BOUNDED ON THE WEST BY A LINE PARALLEL WITH AND 30 FEET EAST OF THE NORTHERLY PRODUCTION OF THE WEST LINE OF SAID LOT 6;

EXCEPT THE SOUTH 12 FEET OF SAID LOTS 16, 17 AND 18, AND THE SOUTH 12 FEET OF LOT 19, EXCEPT THE WEST 30 FEET THEREOF CONDEMNED FOR LEARY WAY IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 69865;

TOGETHER WITH AN UNDIVIDED ONE-HALF INTEREST IN A STRIP OF LAND UNIFORMLY 13 FEET IN WIDTH ADJOINING THE LAND ABOVE DESCRIBED ON THE WEST, LYING IN LOTS 6 AND 19, BLOCK 165, GILMAN PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 3 OF PLATS, PAGE 40, IN PORTION OF VACATED WEST 49TH STREET ADJOINING SAID LOT 6, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF LEARY WAY, WHICH POINT IS ON A LINE PARALLEL WITH AND 23.50 FEET EAST OF THE WEST LINE OF LOT 19, BLOCK 165, SAID GILMAN PARK, AND RUNNING THENCE NORTHERLY ALONG SAID PARALLEL LINE AND THE SAME PRODUCED 241.06 FEET TO A POINT WHICH IS 13 FEET SOUTH OF THE NORTH LINE OF VACATED WEST 49TH STREET.

PARCEL D:

LOTS 5, 6, 7, 8, 9, 18, 19, 20, 21, AND 22;  
ALL IN BLOCK 162, GILMAN PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 3 OF PLATS, PAGE 40, IN KING COUNTY, WASHINGTON;  
EXCEPT THE WEST 28 FEET OF SAID LOTS 22 AND 5;

TOGETHER WITH THAT PORTION OF THE VACATED SOUTHERLY 23 FEET OF NORTHWEST 50TH STREET ADJOINING SAID PREMISES;

TOGETHER WITH THAT PORTION OF VACATED NORTHWEST 49TH STREET (FORMERLY "E" STREET), DESCRIBED AS FOLLOWS:

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SEP 13 '95 05:56PM ENW SAFETY 412 492 5377

P.11

CHICAGO TITLE INSURANCE COMPANY

ALTA COMMITMENT  
SCHEDULE A  
(Continued)

Order No: 259052  
Your No: HBU 266921415

LEGAL DESCRIPTION EXHIBIT  
(Paragraph 4 of Schedule A continuation)

9602140605  
BEGINNING AT A POINT ON THE NORTH MARGINAL LINE OF SAID VACATED NORTHWEST 49TH STREET DISTANT 28 FEET EAST OF THE SOUTHWEST CORNER OF LOT 22 IN BLOCK 162;  
THENCE SOUTH, ALONG A LINE, DISTANT 28 FEET EAST OF AND PARALLEL TO THE WEST BOUNDARY LINE OF SAID LOT 22, PRODUCED SOUTH, A DISTANCE OF 15 FEET;  
THENCE SOUTHEASTERLY 28.84 FEET TO A POINT ON A LINE 6 FEET SOUTH OF THE CENTERLINE OF SAID VACATED NORTHWEST 49TH STREET DISTANT 208 FEET EAST OF THE EAST MARGINAL LINE OF 14TH AVENUE NORTHWEST;  
THENCE EAST ALONG SAID LINE 6 FEET SOUTH OF THE CENTERLINE OF VACATED NORTHWEST 49TH STREET, 71.68 FEET;  
THENCE NORTH ALONG A LINE WHICH IS 279.68 FEET EAST OF AND PARALLEL TO THE EAST MARGINAL LINE OF 14TH AVENUE NORTHWEST, 26.00 FEET TO A POINT ON A LINE WHICH IS 20 FEET NORTH OF AND PARALLEL TO SAID CENTERLINE OF VACATED NORTHWEST 49TH STREET;  
THENCE EAST, ALONG SAID PARALLEL LINE, 54.46 FEET TO A POINT ON A LINE WHICH IS 29.82 FEET WEST OF AND PARALLEL TO THE EAST BOUNDARY LINE OF LOT 7 IN BLOCK 165 OF GILMAN PARK, PRODUCED NORTH;  
THENCE NORTH ALONG SAID PARALLEL LINE 13.00 FEET TO THE NORTH LINE OF SAID VACATED NORTHWEST 49TH STREET;  
THENCE WEST ALONG SAID NORTH LINE 142.14 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

TOGETHER WITH THAT PORTION OF THE NORTH 1/2 OF SAID VACATED NORTHWEST 49TH STREET LYING BETWEEN THE WESTERLY MARGIN OF 11TH AVENUE NORTHWEST AND THE NORTHERLY PRODUCTION OF A LINE 29.82 FEET WEST OF AND PARALLEL TO THE EAST LINE OF LOT 7 IN BLOCK 165 OF GILMAN PARK.



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## 6.5 Photo log

**Photo 1: Entrance to offices – north parking lot off of NW 50th**



**Photo 2: Former railroad spur area - looking south**





**Photo 3: Area near loading dock and tanks 1-3 (foreground), 4-6 to the right of picture**



**Photo 4: South Side of Building C – area of tanks 9, 10, and 11**

